



COMMUNITY DEVELOPMENT DEPARTMENT

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JUNE 23, 2009

PRESENT: Koepp-Baker, Liegl, Moniz, Hart, Tanda, Mueller

ABSENT: Escobar

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Program Administrator - Environmental Programs Division (PA – EPD) Eulo, Senior Planner (SP) Tolentino, Environmental Programs Coordinator Fotu, and Minutes Clerk Chavez Delgado

Chair Tanda called the meeting to order at 7:00 pm, inviting all present to join as the pledge of allegiance to the U.S. flag was recited in unison.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Chavez Delgado certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Tanda opened, and then closed, the opportunity for public comment, as there were none present to speak to matters not appearing on the agenda.

Chair Tanda announced that agenda item 2 would be heard at this time, and then the regular order of the agenda would be taken up.

PUBLIC HEARING:

2) USE PERMIT, UP-09-03: VINEYARD-ESPENESA CHURCH: A request for approval of a Conditional Use Permit (CUP) to allow a church use to occupy an existing 17,460-sf building located at 16120 Vineyard Blvd in a ML, Light Industrial Zoning District.

SP Tolentino presented the staff report, giving an overview of the request and noting that the major portion of the work planned would be to the interior of the building. Calling attention to the distributed packet, SP Tolentino explained the plans for the interior remodel, with minor changes to the exterior. The weekly events schedule was explained, and SP Tolentino said the

PLANNING COMMISSION MEETING MINUTES

JUNE 23, 2009

PAGE 2

major uses would be weekends and weekday evenings.

Turning to the required findings, SP Tolentino detailed various requirements, and providing specifics of the parking requirements (and calculations used) for meeting City standards.

Commissioner Mueller asked, if during the analysis, the use of day-time hours had been addressed? [Yes, and speakers will further the issue.]

Commissioner Hart asked about potential changes in schedule, and how those would be reflected?

SP Tolentino advised that Planning Staff and Commissioners had been hesitant in the past to strictly regulate times of operation, e.g., certain times and days only, but to allow the applicants flexibility.

Chair Tanda opened the public hearing.

Siauisage Siamu, 3450 Rocky Mountain Dr., San Jose, Minister of the Church, addressed the Commissioners, asking that the request be approved. Rev. Siamu called attention to the presence of several members of the Church. He then went on to explain that the office would be open during the day, but activities will be limited during the day. Rev. Siamu also said that on Exhibit A of the Staff report, which references the restriction of one service, while in actuality for a special/cultural event, e.g., a funeral, might become known as a second service, for which he asked permission.

Commissioner Koepp-Baker suggested the inclusion of a maximum number of hours of use might be appropriate and better serve the congregation.

Commissioner Mueller asked about attendance of the special/cultural events.

SP Tolentino noted that the Architect had planned to be present, arriving at a time later when the matter had been anticipated to be addressed. Chair Tanda said, "If the matter is not resolved successfully now, we can postpone action until the Architect arrives."

With no others in attendance indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Koepp-Baker disclosed she had visited the site, and found 'nothing offensive with the request'.

Commissioner Muller asked SP Tolentino about the restrictions of hours, and saying, "If we chose to call the hours of operation from 7:00 a.m. to 10:00 p.m. any day of the week, would that present a problem?" Discussion ensued regarding how to best suit the needs of the Congregation and the City. It was noted that an annual review is required for a CUP, and any identified concerns could be addressed at the time of review.

Chair Tanda also noticed the statement of operations stated that weddings normally take place on Saturdays, and funerals on Sunday. "Is that adequate to qualify those activities as part of the CUP?" SP Tolentino said the current wording of the proposed Resolution would permit logical variance for the activities generally engaged by a Church.

PLANNING COMMISSION MEETING MINUTES

JUNE 23, 2009

PAGE 3

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN, APPROVING A CONDITIONAL USE PERMIT TO OPERATE A CHURCH USE IN AN EXISTING 17,460-SF BUILDING LOCATED AT 16120 VINEYARD BOULEVARD IN A ML, LIGHT INDUSTRIAL ZONING DISTRICT, WITH THE FOLLOWING AMENDMENTS TO SECTION 5:

- 1. hours of operation permitted: 7:00 a.m. through 10:30 p.m. daily**
- 2. multiple services shall be planned to avoid traffic problems; any reported/observed difficulties will be cause for the CUP to be reviewed by the Planning Commission**

COMMISSIONER LIEGL SECONDED THE MOTION, WHICH PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, HART, LIEGL, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR

The regular order of the agenda was resumed.

PRESENTATION:

PROPOSED SUSTAINABLE BUILDING ORDINANCE: Environmental Programs staff will provide a presentation on the Draft Sustainable Building Ordinance that will be presented to City Council for adoption on July 15th

Environmental Programs Coordinator (EPC) Fotu gave the staff report, congratulating the Commissioners on completion of the Carbon Diet Club, during which it had been documented that the Commissioners *alone* had eliminated 65,300 pounds of CO₂! EPC Fotu's presentation included information from the distributed report which contained the time-line and background regarding Sustainable Building Ordinance(s) already adopted by other entities in the County. She noted that involvement by the Community had been obtained through public workshops on June 3 and June 18. "Feedback from the development community had been favorable, in as much as the few developers who had participated. The comments received from the developers have been incorporated into the draft ordinance," EPC Fotu reported. She also advised that the <draft> Ordinance will be presented to the City Council at the July 15, 2009 meeting. The mandatory Ordinance must be put into place in 2009, EPC Fotu said, and explained the methodology for putting the Ordinance together. The two commercial buildings in Morgan Hill which have met the LEED Certification (an internationally recognized Green Building Certification System) standard were noted. EPC Fotu also advised of the points available in the Build it Green (BIG) program which can be achieved in the RDCS competitions. Concluding the staff report, EPC Fotu told the Commissioners, "Implementing a Sustainable Building Ordinance will enhance community health, resource conservation, and reduce greenhouse gas emissions, which is consistent with the Environmental Agenda's goals."

Commissioners asked questions and engaged in discussion regarding:

- increased costs for new and renovated dwellings
- exemption/exclusion for RDCS building allotments (Ordinance to be re-evaluated by staff for accuracy)
- explanation of numbers being presented on which the Ordinance was based
- methodology used by other Cities
- need to achieve efficiently in larger homes for additional points
- recommendations for point system for RDCS
- examples of recycled materials to be used for commercial establishments (LEED criteria requirements)
- record keeping for verification/documentation

PLANNING COMMISSION MEETING MINUTES

JUNE 23, 2009

PAGE 4

- concerns of hidden costs in the program that will add to the final product
- required inspections: how to be completed/how funded ~~ additional work required; will be determined as program progresses
- implementation of program is definite; specifics of program will be determined as work progresses
- requirements of BIG for RDCS (Commissioners disagreed as to actual requirements, with Commissioner Mueller and Koepp-Baker insistent that there was not a requirement of certification for RDCS) / need for re-definition of point system for building
- Measures A and F (600 allocations) are exempt from RDCS competition process so that represents a 'real difference' for BIG
- emphasis on goals of program; how mitigation could be achieved
- exemptions to program ~~ need for flexibility (and identified thresholds of flexibility); hardships
- 'good faith effort' for compliance ~~ delayed conformity
- savings available ~~ incentives offered (PG&E)
- 'next steps'

Commissioners made specific recommendations of minor word changes to specific sections of the <draft> Ordinance.

CDD Molloy Previsich spoke regarding the RDCS competition process and how BIG could be coordinated with that process. She also addressed questions regarding building plan changes and how to adjust the point system.

Commissioner Mueller spoke of the concern of the 'big impact' of the action by the City Council recently in the RDCS competition, and the upcoming changes to Title 24 which will change the RDCS check list changes which will be resultant.

Chair Tanda opened the public workshop.

Dick Oliver, 385 Woodview Ave., #100, said he had been on the subcommittee, and clarified that subcommittee had recommended that the Ordinance not be required the RDCS competition. Mr. Oliver spoke on the difficulty of having any more costs (fees) from the government put on developers at his time.

Rocke Garcia, 14500 Sycamore Dr., told the Commissioners he was working on two projects that would be definitely affected by this Ordinance. He listed specific items in the Ordinance which appear impractical (Table 3 of the PowerPoint presentation by EPC Fotu). Mr. Garcia suggested that one of the first things to come under the program would have been swimming pools with solar as this would have been very feasible. He volunteered to assist with a study regarding the new Development Program building as to differences in cost with/out LEED criteria.

Chair Tanda declared the public workshop concluded.

Staff present indicated intent to take the issues and concerns listed at this meeting to the City Council.

PLANNING COMMISSION MEETING MINUTES

JUNE 23, 2009

PAGE 5

PUBLIC HEARINGS:

1) ZONING AMENDMENT, ZA-09-01/ DEVELOPMENT AGREEMENT, DA-09-01/ DEVELOPMENT SCHEDULE, DS-09-01: MCLAUGHLIN- MALECH:

A request for approval of a zone change to adopt a precise plan and establish a planned development overlay for the construction of two duplex buildings (four residential units) on a 1.1-acre site located in the CL-R, Light Commercial Residential Zoning District. A development agreement and development schedule for the four-unit project is also proposed.

Commissioner Koepp-Baker disclosed she had visited the site of this agenda item this day.

SP Tolentino presented the staff report, and explained the staff recommendations following the overview of the project. SP Tolentino called attention to the Mitigated Negative Declaration, together with the Mitigation Monitoring & Reporting Program. SP Tolentino noted the decision of the developer to make significant changes to enhance the overall quality of the project and to better blend with the neighborhood. She explained that the developer is asking for specific variations as part of the zoning application including:

- ★ lot depth variations (necessitated to maintain required parking for existing commercial)
- ★ set-back variations (which will preserve an on-site Oak tree)
- ★ reduction of cul-de-sac frontage (necessitated by restricted space at the front of the pie-shaped lots)
- ★ separation between existing commercial and the planned residential

“The applicant has made significant changes to the original plan, and now the project fits better within the neighborhood,” SP Tolentino said.

Commissioner Moniz commented, “It speaks well for the project that no one from the neighborhood is here objecting tonight.”

Commissioner Hart asked, “Will the commercial site be retained as presented?” [yes]

Chair Tanda opened the public hearing.

Scott Zazueta, 17705 Hale Ave., # H4, of D&Z Design Associates, was present to represent the applicant. Mr. Zazueta told the Commissioners:

- it took a ‘lot of planning’ to have all the oak trees stay on the site
- the new design of the buildings ‘fit’ the neighborhood
- new elevations were planned to complement the area
- the owners are working with the Church next door to resolve long-standing drainage issues

With no others in attendance indicating a wish to speak to the matter, the public hearing was closed.

PLANNING COMMISSION MEETING MINUTES

JUNE 23, 2009

PAGE 6

COMMISSIONERS MUELLER/MONIZ MOTIONED TO ACCEPT AND APPROVE THE MITIGATED NEGATIVE DECLARATION AND THE ACCOMPANYING MITIGATION MONITORING & REPORTING PROGRAM. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; ESCOBAR WAS ABSENT.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS WITHIN, RECOMMENDING APPROVAL TO ADOPT A PRECISE DEVELOPMENT PLAN AND ESTABLISH A PLANNED DEVELOPMENT OVERLAY ZONE FOR A 1.1-ACRE SITE LOCATED AT 17770 MONTEREY ROAD IN THE CL-R ZONING DISTRICT. COMMISSIONER MONIZ PROVIDED THE SECOND TO THE MOTION, WHICH PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, HART, LIEGL, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN, RECOMMENDING APPROVAL OF THE DEVELOPMENT AGREEMENT APPLICATION DA-09-01 FOR APPLICATION MMC-08-14: MCLAUGHLIN-MALECH WITH THE FOLLOWING MODIFICATIONS:

- **Paragraph 14 (m)(i): the applicant must use the BIG checklist applicable at the time of the RDSCS competition application, achieving a minimum score of 131 points**
- **Paragraph 14 (m)(ii): the applicant will present verification that the project, as designed, has met the checklist for achieving 131 points**

COMMISSIONER MONIZ SECONDED THE MOTION, WHICH CARRIED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, HART, LIEGL, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A DEVELOPMENT SCHEDULE FOR FOUR, FISCAL YEAR 2010-11 BUILDING ALLOTMENTS AWARDED TO APPLICATION MMC-08-14: McLAUGHLIN-MALECH. NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, COMMISSIONER MONIZ SECONDED THE MOTION, WHICH PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, HART, LIEGL, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR

WORKSHOP:

**3) DOWNTOWN
SPECIFIC PLAN:**

Review, provide questions and comments and receive public input on the Draft Downtown Specific Plan released in July 2008.

CDD Molloy Previsich presented the staff report, reminding that it had been since March 2008 (while recalling the process of developing the Downtown Specific

PLANNING COMMISSION MEETING MINUTES

JUNE 23, 2009

PAGE 7

Plan) that the Planning Commission had reviewed the issues as a whole, and three new Commissioners had been added since that time. CDD Molloy Previsich presented an overview of the distributed staff report. The Specific Plan does not change the vision of the 2003 Downtown Plan, but includes new and modified policies and strategies to make it more feasible to achieve the vision identified by the residents and stakeholders. The various workshops held earlier in 2007 and 2008 resulted in direction regarding content of the Specific Plan, and the environment impact report (EIR) is being prepared on the July 2008 Draft Plan. She also provided a timeline planned for review of the EIR and for ultimate adoption of a Downtown Specific Plan.

The recommendations listed in the staff report of March 2008, and the Council's April 2008 direction regarding Plan content were provided to the Commissioners as a possible guide to their discussion. The Commission decided to work through the first items at this meeting, with the expectation that another meeting would be necessary in order to understand the content of the proposed Plan and bring the 3 new Commissioners up to date.

Commissioner Mueller discussed concern that implementation of the Specific Plan needs to be clearly identified as to targeted blocks.

Commissioners asked questions related to specific recommendations, including:

- no guest parking Downtown; CDD Molloy Previsich confirmed, and explained the concept of common area/shared parking used for dt
- suggestion to base parking requirement on number of bedrooms rather than unit square footage
- these Commission workshops are intended to identify questions and issues that may need further investigation or discussion
- had been a concern of recent 'wrinkle' regarding parking, but parking strategy seems to be coming together
- public concern: how to accommodate parking for 500 new dwelling units in the Downtown [normal rules will apply, but somewhat less parking and all parking spaces must be located onsite for residential]
- question of updated numbers for inclusion into the EIR [consistency of numbers will be emphasized]
- need to have terms clearly identified and explained
- clarification of new numbers for retail [creation of new downtown "community shopping area" versus regional mall]
- ballot measure for RDCS exemption has already been completed
- considerable discussion of parking needs – how many spaces to be considered for Downtown; number needed for projected demand (large crowds anticipated)
- all small to mid-size businesses anticipated – no big box stores
- questions related to restructuring of Monterey Road from four to two lanes (existing General Plan Circulation network has more capacity than needed) CCD Molloy Previsich noted the City's Circulation Element EIR and Amendment project will be how various road issues will be considered. E.g. whether to narrow Monterey Road through downtown from 4 lanes to 2 lanes will NOT be a decision made in the Specific Plan process, it will be part of Circulation

PLANNING COMMISSION MEETING MINUTES

JUNE 23, 2009

PAGE 8

Element discussions and hearings.

- prior focus on the Granada Theater: RDA is charged with study of the Theater and resultant impacts – priority now Theater and retail mixed use project; Granada Theater will be on July 15 City Council / RDA agenda; not set as to future location of Theater
- Commissioners believe that the High Speed Rail project and anticipated placement should be considered in the Specific Downtown Plan, and perhaps a design/aesthetic component should be addressed in Plan.
- consideration of smaller dwelling units in the Downtown area – seems smaller units not currently in favor for marketing

Chair Tanda suggested the need for continuation of this matter to a future meeting, as the agreed hour for concluding the meeting had been reached. CDD Molloy Previsich noted the EIR will be released and should be available for discussion in August.

Report of the recent field trip for observing BIG comparisons was made by those attending. More information will be presented on a future agenda.

At the last City Council meeting, when the RDCS criteria for application was discussed, the BIG check list was changed from would convert from time of competition to time of building.

Accepted the Planning Commissioners recommendation for the upcoming RDCS competition.

Noting that there was no further business for the Planning Commission at this meeting, Chair Tanda adjourned the meeting at 9:46 pm.

ANNOUNCEMENTS COMMISSIONER IDENTIFIED ISSUES

CITY COUNCIL REPORTS

ADJOURNMENT

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk